HIV positive/AIDS as ground for divorce

†2335. SHRIMATI PREMA CARIAPPA:
SHRI MOTILAL VORA:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that National Commission for Women had made a recommendation in its report submitted to Government during the year 2000-01 that if a woman is found infected with AIDS or HIV positive then it should be treated as a base for divorce in favour of male;

(b) if so, Government's reaction thereto; and

(c) to what extent it is fair to have such attitude towards the woman infected with AIDS or HIV positive while they require treatment and more care?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.C. THOMAS): (a) and (c) No such recommendations have been made by the National Commission for Women in its report during the year 2000-01. However, it appears that the Department of Women and Child Development has received Annual Report for the year 2001-2002 of the National Commission for Women recently, where *inter alia* the said Commission has recommended amendment of section 13 of the Hindu Marriage Act, 1955, with a view to include the affliction of HIV/AIDS as one of the grounds for filing a petition for divorce by either of the parties to the marriage. The said report also appears to be under consideration of Department of Women and Child Development.

(b) Does not arise.

Amendment In Judges Inquiry Act

2336. SHRI BALKAVI BAIRAGI:
DR. PRABHA THAKUR:
PROF. ALKA BALRAM KSHATRIYA:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government are aware of the arrest of several judges of various courts during the last three years;

†Original notice of the question was received in Hindi.

(b) if so, how many cases of corruption have been brought to Government's notice;

(c) whether Government are contemplating to amend the Judges Inquiry Act to deal with the corruption in judiciary by amending the statute; and

(d) if so, the details thereof?

THE MINISTER OF STATE FOR LAW AND JUSTICE (SHRI P.C. THOMAS): (a) and (b) Allegations of deviant behaviour involving acts of corruption and moral turpitude, against some members of Judicial Service of the States and some Judges of High Courts have come to the notice of the Government. However, under article 235 of the Constitution of India, the administrative control over the members of Subordinate Judicial Service vests with the concerned High Court. Further, in exercise of powers conferred under proviso to article 309 read with article 233 and 234 of the Constitution, the State Government frames rules and regulations in consultation with the High Court. As regards scandals involving judicial officers of District/Sessions Courts, the disciplinary control lies with the concerned High Court. Under these circumstances the Central Government is not maintaining a data on this.

(c) and (d) No, Sir. The Judges Inquiry Act is to regulate the procedure for the investigation and proof of the misbehaviour or incapacity of a Judge of the Supreme Court or High Court and for the presentation of an address by Parliament to the President and for matters connected therewith. Subordinate Judiciary does not come under the purview of this Act. However, the Constitution (Ninety-Eighth Amendment) Bill, 2003 propose to vest the power of inquiry into cases of misconduct or such deviant behaviour of a Judge, other than those calling for his removal, in the National Judicial Commission. The Bill has already been introduced in the Parliament.

Indrajit Gupta Committee on State funding of elections

2337. SHRI RAJEEV SHUKLA:
DR. ABRAR AHMED:
SHRIMATI AMBIKA SONI:

Will the Minister of LAW AND JUSTICE be pleased to state the status of the Report of Indrajeet Gupta Committee on the State funding of elections?